

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE:)
)
DAVID LEE MARKER) Case No.12-32310
 Debtor) Chapter 13

OBJECTION TO CLAIM

Debtor, David Lee Marker, by counsel, objects to Claim No. 5 filed by Homeward Residential, Inc. ("Homeward") and respectfully states as follows:

1. On January 23, 2013, Homeward filed its claim in the amount of \$203,557.97 secured by a recorded mortgage on real estate located at 28203 Pennsylvania Ave, Elkhart, IN 46516.

2. The last date for creditors to file a claim was October 30, 2012.

3. The real estate located at 28203 Pennsylvania Ave, Elkhart, IN 46516 was awarded to debtor's former wife by the Elkhart Superior Court 6, Cause No.20D06-0905-DR-00256. Debtor's former wife was ordered to assume and pay the indebtedness on the property. Debtor now has no interest in the real estate.

4. Homeward maintains its security interest in the property and would be entitled only to an unsecured deficiency claim if the property was sold.

WHEREFORE debtor requests that Claim No. 5 filed by Homeward Residential, Inc. be disallowed and for all further and proper relief.

January 30, 2013

/s/ Loraine P. Troyer

Lorraine P. Troyer, #2127-20
Attorney for Debtor
121 N. Third Street
Goshen, IN 46526
(574)534-2347

Certificate of Service

I hereby certify that on January 30, 2013, service of the above and foregoing was made upon the following by electronic transmission:

U.S. Trustee USTPRegion10.so.ecf@usdoj.gov
Debra L. Miller, Standing Chapter 13 Trustee dmecf@trustee13.com

and upon the following by United States mail, first class postage prepaid to:

Homeward Residential Inc., 1525 S. Beltline Rd., Suite 100, Coppell, TX 75019

David Yunghans, Reisenfeld & Associates, LPA LLC, 3962 Red Bank Road, Cincinnati, OH 45227

/s/ Loraine P. Troyer

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